

**CITY OF WILMINGTON
PLANNING COMMISSION WORK SESSION MINUTES
Wednesday, June 3, 2020**

A work session of the Wilmington Planning Commission was held on **Wednesday, June 3, 2020 at 3:30 p.m.** in the Wilmington Convention Center, 10 Convention Center Drive, Wilmington, NC. Those present at the Convention Center included:

Members Present

Chairman Richard Collier
Vice-Chairman Jeff Hovis

Staff Present

Mr. Glenn Harbeck, Director of Planning
Mr. Shawn Evans, Assistant City Attorney

The following members and staff were present via video conference:

Members (Remote Presence)

Mr. Bruce Bowman
Ms. Candy Cortes
Mr. Al Sharp
Mr. Ron Woodruff

Staff (Remote Presence)

Mr. Ron Satterfield, Assistant Planning Director
Ms. Christine Hughes, Senior Planner
Ms. Amy Bradshaw, Planning Coordinator

Members Absent

Ms. JC Lyle

Due to Session Law 2020-3 signed into law by the Governor of North Carolina, effective May 4, 2020, provisions were enacted to ensure compliance with the new legislation regarding remote meetings. The provisions included voice roll call and that all members identify themselves before engaging in any discussions.

Chairman Collier called the meeting to order at 3:37 p.m. and explained to the members and the public that the meeting would be a discussion only regarding updates to Article 3, Use Standards, and that no votes would be taken during the meeting.

Ms. Christine Hughes, Senior Planner, provided a presentation on Article 3, which outlined prescribed conditions for principal, accessory, and temporary uses within the various zoning districts. She explained that principal uses are those that are primary and permanent for the lot, such as housing. Accessory uses include accessory dwelling units such as garage apartments, and temporary uses such yard and sidewalk sales.

She said that Article 2 would contain a standard use table for ease of use that would indicate whether the use was allowed by right, allowed with prescribed conditions or allowed by special use, with the prescribed conditions being in Article 3. Ms. Hughes clarified that if a use is listed in the use table as permitted by right within a district it would not be subject to the prescribed conditions outlined within Article 3. Ms. Hughes then went through several of the prescribed conditions and outlined in which districts the uses were allowed with prescribed conditions, and the areas the conditions would include, such as buffers. A copy of the slide presentation is included with the minutes for the record.

After the presentation concluded, the commission members began their discussions. Ms. Hughes reminded the commission that if the use is identified in the use table as allowed by-right, the prescribed conditions would not apply.

As Chairman Collier led a discussion on the various uses set forth in Article 3, he asked Ms. Hughes about existing uses that may not conform to the new code. Ms. Hughes responded that existing businesses would not be penalized for nonconformance with the new code. She added that the topic of allowable non-conforming uses would be addressed in another section.

Regarding animal hospitals and veterinary clinics with outdoor pens or runs, Chairman Collier asked if language should be included regarding sound ordinances or decibel maximums for barking dogs. He also asked about the requirements for waste and hair removal. Commissioner Bowman pointed out that building codes provide those standards.

Commissioner Cortes expressed concern about the potential transformation of animal hospitals that allow extended stays into dog daycare facilities. She asked if a duration should be outlined for how long an animal could be housed. Ms. Hughes said that a section on kennels would include dog daycare facilities. Commissioner Cortes also suggested that the extent of a vegetative buffer be defined.

Commissioner Cortes asked about the language that refers to approval by the “city manager or designee.” She requested a list of potential designees or at least the minimum qualifications required to make decisions on various areas. Ms. Hughes said that the language has been used in the past, and that the term “designee” will be defined in Article 1. Mr. Satterfield said memo would be prepared that identified what areas of the code would allow for a designee and who that would be.

Chairman Collier expressed concerns regarding artisan food and beverage production. He pointed out that the language indicates neighbors would have the right to say no to a use request. Ms. Hughes said that staff would review the language to make sure it reads as intended.

Commissioner Sharp inquired about more standardized buffer and screening requirements. Ms. Hughes responded that general buffer and site design standards not tied to specific uses would be presented at a future time. Commissioner Cortes agreed there should be some consistency in the standards.

Chairman Collier asked about the 60% allowable signage coverage on the silos. Ms. Hughes said that amount is in the existing code. She noted that staff will review past notes to determine how that percentage was determined.

Commissioner Bowman asked about the buffer requirements for assembly as a principal use. He suggested that a 20-foot buffer would be inadequate for amplified sound.

Discussion ensued regarding the 1945 Corporate Limits. Ms. Hughes said that although development patterns have been very different inside and outside of the 1945 Corporate Limits, the boundary could be reviewed and considered for revision.

The commission discussed the uses of bed and breakfast, homestay, and short-term lodging. Commissioner Sharp asked about the three-bedroom limit for a bed and breakfasts. He inquired about the existence of any legal, non-conforming bed and breakfasts with more than three bedrooms. Ms. Thurston, Zoning Administrator, responded that non-conforming bed and breakfasts currently exist; however, if the use is discontinued for more than 180 days, it would be required to conform to the three-bedroom limit when the use is resumed.

Ms. Thurston gave an overview of short-term lodging requirements and the soon to close amortization schedule. Chairman Collier recommended avoiding more in depth discussion regarding the regulation of bed and breakfasts, short-term lodgings, and homestays. There were no additional questions or concerns related to the prescribed conditions outlined.

Commissioner Cortes asked about the lack of requirements for buffers, insurance, operations plans for waste removal, and noise in the section on campgrounds. Ms. Hughes stated that there are no campgrounds within city limits; however, the requirements would be reviewed.

The commission also discussed the need to clarify frontage limits and glazing for commercial parking structures.

Commissioner Bowman reiterated the concern that 100 feet is not enough of a buffer for amplified sound within a single-dwelling zone when discussing the use of outdoor commercial recreation. Ms. Hughes said that those requirement would be reviewed.

When discussing the prescribed conditions for adult and child daycares, Commissioner Cortes asked about the fence height requirements. Ms. Thurston told the commission that daycares have state regulations with which to comply and that those outlined in the city code are the minimum standards.

In response to an inquiry by Commissioner Cortes about the location of a public transit stop, Ms. Hughes stated that the university shuttle stop is considered a public transit stop.

Commissioner Bowman suggested that additional details be included in the section for electronic gaming. Ms. Hughes said that although the language aligns with state code, it would be reviewed.

Ms. Hughes said that some additional conditions would need to be developed related to multiple dwelling mixed-use. She also reiterated that if a use is allowed within the district, it is so by right unless stated with prescribed conditions.

During the presentation, Ms. Hughes said a use table would also be included in Article 3 for accessory uses. Discussion proceeded on the sections outlined for accessory use standards. Commissioners expressed the potential need for a change in language for some standards related to uses such as outdoor sales and seating, and mobile food units due to the COVID-19 restrictions.

There was also additional discussion about community boating facilities and the proposed standards outlined in the code. Ms. Hughes said that the standards did not include the CAMA regulations, which include the number of boats allowed to be maintained on site.

As work session came to an end, Chairman Collier reminded the commission to send any additional suggestions to Ms. Hughes via email.

There being no further discussion, Chairman Collier adjourned the meeting at 5:32 p.m.

The next work session of the Planning Commission will be held on Wednesday, June 10, 2020 at 3:30 p.m.

Respectfully submitted,

Amy Bradshaw
Planning Coordinator

Please note: The minutes are not a verbatim record of the proceedings.